HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1671 of 2019

Date:05.02.2019

Between:

Balne Kavitha D/o. Bapu,
aged about 30 years
Occ: Unemployee, R/o. Chdnepally Village,
Kataram Mandal, Jayashankar Bhupalpally District
.. Petitioner

AND

State of Telangana
Rep by its Principal Secretary
Revenue Department, Secretariat
Hyderabad and 3 others.
.. Respondents

The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner claims that she belongs to Gandla community which is notified as Backward Class. Petitioner made an application for issuance of Non-Creamy Layer certificate, but the said request of the petitioner was rejected by the 3rd respondent vide memo dated 19.11.2018 and the reason assigned was that on local enquiry, it was found that petitioner belongs to Reddy Gandla caste which is a forward caste and therefore not entitled for any certificate as claimed by the petitioner.

Along with the writ petition, petitioner filed the community and date of birth certificate dated 10.11.2015 issued to the petitioner describing the petitioner as belonging to Gandal caste. Similarly, on 19.05.2016 income certificate was issued reflecting caste name as Gandla. On 30.08.2010, community, nativity and date of birth certificate were issued in favour of the petitioner again reflecting the caste of the petitioner as BC-B Gandla. Petitioner has also enclosed certificate issued in the name of her father. Thus, material placed on record would *prima facie* show that petitioner belongs to Gandla community.

From the reading of the memo impugned, it appears that Mandal Revenue Inspector has conducted enquiry and submitted report stating that petitioner belongs to Reddy Gandla. The copy of the enquiry report of the Mandal Revenue

Inspector was not furnished to petitioner before impugned memo was communicated to petitioner.

In regard to the certificates issued to the petitioner and her father, since the Mandal Revenue Inspector report was not furnished to him, the memo impugned is set aside, and the matter remanded to Tahsildar. Tahsildar is directed to supply the copy of the report of the Mandal Revenue Inspector along with the documents forming part of the report to the petitioner and on receiving of the report, petitioner shall file additional explanation and also enclose documents in support of the claim of the petitioner. The Tahsildar, on receiving of the explanation submitted by the petitioner shall hold a personal hearing by fixing a date in advance and intimating the petitioner in advance and after hearing the petitioner and after taking into consideration, the material on record, Tahsildar shall pass appropriate orders in accordance with law and shall submit a report to the Collector within one week on completion of personal hearing. The entire exercise shall be completed within six weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As sequel to it, Miscellaneous Petitions, if any pending, shall stand dismissed.

P.NAVEEN RAO, J

Date: 05.02.2019
Note:
CC in one week

(B/o) dv

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10012 of 2008

Date:05.02.2019

dv